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DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on January 22, 2010 has been considered and entered in full.
2. Applicant's amendments to the claims have been considered and are persuasive; therefore all the rejections on the respective claims have been withdrawn.

Examiner's Amendment

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with applicant's attorney/agent of record, Mr. Neal Persky, Registration No. 53,452, on 03/22/2010, at 12:48 p.m.,

Examiner's amendment:

In The Claims

(a). The following changes to the claims have been approved by the examiner and agreed upon by applicant:

(i) **Replace the subject matter of claim 570 as presented in the amendment filed on 01/22/2010 with:**

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Examiner's amendment: "A **non-transitory** computer-readable medium configured to store program instructions, wherein the program instructions are executable to implement a method to design cardiac instruments, comprising:

creating a pattern of at least a portion of at least one patient-specific cardiac instrument or implant using at least one first image of heart tissue from a human heart;

evaluating motion of at least one portion of at least one feature of one or more first images of heart tissue; and

assessing asynergy of the heart tissue."

(ii) **Replace the subject matter of claim 571 as presented in the amendment filed on 01/22/2010 with:**

Examiner's amendment: "A **non-transitory** computer-readable medium configured to store program instructions, wherein the program instructions are executable to implement a method to design cardiac instruments, comprising:

creating a pattern of at least a portion of at least one patient-specific cardiac instrument or implant using at least one first image of heart tissue from a human heart;

assigning at least one reference point to at least two first images of the heart tissue; evaluating a relative movement of at least one of the reference points between at least two first images of the heart tissue; and

assessing a viability of the heart tissue.

(iii) **Replace the subject matter of claim 572 as presented in the amendment filed on 01/22/2010 with:**

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Examiner's amendment: "A **non-transitory** computer-readable medium configured to store program instructions, wherein the program instructions are executable to implement a method to design cardiac instruments, comprising:

creating a pattern of at least a portion of at least one patient-specific cardiac instrument or implant using at least one first image of heart tissue from a human heart;

determining at least a first and second volume of a portion of the heart tissue and blood flow through a portion of the heart; and

assessing a mitral regurgitation with a provided velocity of a fluid through at least a portion of the aorta."

Allowable Subject Matter

Reasons of Allowance:

4. Claims 567-650 (renumbered as 1-84) are allowed.

The following is an examiner's statement of reasons of allowance:

The reasons of allowance for claims 567-650 should be evident from the previous office action mailed on 07/22/2009.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manav Seth whose telephone number is (571) 272-7456. The examiner can normally be reached on Monday to Friday from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vikkram Bali, can be reached on (571) 272-7415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Manav Seth/
Primary Examiner, Art Unit 2624
March 22, 2010